

State of Wisconsin


LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 09/19/2008 (Per: PJK)





Appendix A

 The 2009 drafting file for LRB-0241

has been copied/added to the drafting file for

2009 LRB-0317

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.

2009 DRAFTING REQUEST**Bill**Received: **09/16/2008**Received By: **pkahler**Wanted: **As time permits**

Identical to LRB:

For: **Children and Families**By/Representing: **Bob Nikolay**This file may be shown to any legislator: **NO**Drafter: **pkahler**

May Contact:

Addl. Drafters: **gmalaise**

Subject: **Public Assistance - misc**
Public Assistance - Wis works
Children - miscellaneous

Extra Copies:

Submit via email: **YES**Requester's email: **Robert.Nikolay@wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

TANF and child care allocations

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/17/2008 gmalaise 09/17/2008	bkraft 09/18/2008					S&L
/P1			rschluet 09/19/2008		cduerst 09/19/2008		

LRB-0241

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Page 2

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

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/?	pkahler	1/Pl bjk 9/18					S&L

FE Sent For:

<END>

Statutory Modifications

Department of Children and Families 2009-11 Biennial Budget

DIN: 5400

Topic: TANF and Child Care Allocations

Description of Change:

Update portions of s.49.155 and 49.175 (1) to reflect requested funding amounts related to cost-to-continue standard budget adjustments and caseload re-estimates, as well as to create a unified structure for programs formerly in the departments of Workforce Development and Health and Family services that are now entirely within the Department of Children and Families.

Requested Change:

- ✓ 1. Amend s. 49.155 (1g) (intro.) and (1g) (a) as follows:

(1g) DISTRIBUTION OF FUNDS. CHILD CARE ALLOCATIONS. Within the limits of the availability of the federal child care and development block grant funds received under 42 USC 9858, the department shall do all of the following:

(a) ~~Subject to sub. (1j), spend no more than the minimum amount required under 42 USC 9858 on programs to improve the quality and availability of child care. From the appropriations under s. 20.437 (2) (em), (kx), (me), and (md), the department shall allocate and distribute~~ Allocate funding in each fiscal year for all of the following:

- ✓ 3. ~~A transfer to the appropriation account under s.20.437 (1) (kx) for child~~ Child care licensing activities, in the amount of at least \$4,800,600 \$4,945,800 per fiscal year.
- ✓ 2. Repeal s. 49.155 (1g) (b).
- ✓ 3. Amend s.49.175 (1) (g) to specify \$18,423,900 in fiscal year 2009-10 and \$18,525,700 in fiscal year 2010-11 and thereafter, for state administration of public assistance programs , and costs associated with collection of public assistance overpayments."
- ✓ 4. Amend s.49.175 (1) (q) to specify \$6,920,200 in fiscal year 2009-11 and \$7,116,700 in fiscal year 2010-11 and thereafter, "For administration of child care programs under s.49.155 and the allocation under s.49.155 (1g) (a) 3. for child care licensing activities."
- ✓ 5. Repeal s.49.175 (1) (qs).

- (h) ✓ 6. Create an allocation under s.49.175 (1) titled "Wisconsin Works and Wisconsin Shares fraud and error reduction" defined as "\$605,500 in each fiscal year for activities to reduce fraud under s.49.197 (1m) and activities to reduce payment errors under s.49.197 (3).
- ✓ 7. Modify s.49.175 (1) (ze) to create separate allocations (paragraphs) for each program specified.
- (s) ✓ 8. Specify \$23,892,400 in 2009-10 and \$23,903,500 in 2010-11 and thereafter for Kinship care and long-term kinship care assistance.
- (n) ✓ 9. Specify \$29,899,800 in 2009-10 and \$29,933,200 in 2010-11 and thereafter for Children of recipients of supplemental security income.
- (+) 10. Specify \$6,776,600 in each fiscal year for Safety and out-of-home placement services.
- ✓ 11. Repeal s.49.175 (1) (ze) 12.
- GMM 12. Repeal the appropriation under s.20.437 (1) (kc) and amend the definition of the appropriation under s.20.437 (1) (kd) to delete the sentence, "All moneys transferred from the appropriation account under sub. (2) (md) to this appropriation account shall be credited to this appropriation account."

Justification:

1. Justification for deleting the direction to expend no more than the federal "minimum" on activities to improve the quality and availability of child care is provided in a separate statutory language request. Reference to a transfer to the appropriation account under s.20.437 (1) (kx) is unnecessary because the program is now included within the Department of Children and Families and funds can be expended directly from the appropriation under s.20.437 (2) (mc).

It should be noted that the federal quality expenditure requirements apply to expenditures, not planned amounts (allocations). Federal funds are generally not available for "distribution" in a literal sense, but rather to reimburse qualifying expenditures. It is possible for amounts allocated to be under-spent. It is therefore suggested that the term "allocate" is more appropriate, and less ambiguous, than the term "allocate and distribute." Changing the title of the subsection from "DISTRIBUTION OF FUNDS" to "CHILD CARE ALLOCATIONS" is similarly more meaningful.

Given the current-law definitions of the "earmarks" in s.49.155 (1g) (a), which are entirely defined as either "at least" or unspecified amounts, they are not individually limiting, so the "subject to (1j)" cross-reference is unnecessary because it applies only if the department proposed to allocate unanticipated funds "so that an allocation limit in sub. (1g) is exceeded." As currently defined, the individual provisions of s.49.155 (1g) (a) cannot be exceeded.

However, retention of language specifying DCF shall allocate "at least" \$4,945,800" per fiscal year is appropriate for two reasons: First, the "at least" amount reflects how the state budgets for positions: Amounts are budgeted that may not be fully expended depending on vacancy

rates, or more likely (based on experience in this program area) will be later increased based on changes in the compensation and fringe benefits costs for state employees. Other provisions of state law provide for adjustments in salaries and fringe benefits to be funded by supplement processes and/or transfers from other parts of the TANF and Child Care budget. Second, retention of this amount based on the cost-to-continue for existing child day care licensing staff is informational for those interested in that sub-set of the budget for state operations funded from child-care funds. It is suggested that the total budget for those activities be reflected in s.49.175 (1).

The appropriation references are unnecessary because they are partially inconsistent with the intent to describe the allocation, or break-down, of federal funds. The "all-funds" amounts available for the purposes of s.49.155 are better described under s.49.175 of current law. Similarly, the reference to a "transfer" to another appropriation account for the CCDF licensing activities is unnecessary given the intent of the statute to delineate a minimum amount planned for the activity. The cross-reference may have been more meaningful when it previously described funding provided by DWD to support activities in another department, but both are now within DCF.

2. S.49.155 (1g) (b) can be repealed because it provides no meaningful information. It is not necessary to specify an amount to be "distributed" for administration of "the department's office of child care." For similar reasons as discussed above, it is not accurate to think of federal funding as being "distributed" regardless of expenditures incurred and budgets for state staff and operations are governed by conventions that allow their supplementation, subject to the availability of appropriate funds in the appropriations, and a showing of need. Further, activities for the administration of the child care programs have not been included in an "office" in about a decade.

3. S. 49.175 (1) (qs), the separate allocation for Child care licensing, can be repealed because the amount is included in the proposed amount for s.49.175 (1) (q) and a minimum (allocated) amount will be retained in s.49.155 (1g) (a) 3.

4. A separate allocation should be created to reflect base funding of \$605,500/year shown separately from public assistance (TANF) state administration in presentations of TANF-related revenues and expenditures. This amount was included in the s.49.175 (1) allocation for the latter purpose in the current biennium, but is more accurately seen as primarily aids or local assistance (primarily reimbursing counties for program integrity and W-2/CC fraud-investigation costs through the DHS-managed statewide public assistance fraud program).

5. S. 49.175 (1) (ze) originally represented all the program allocations administered by the Department of Health and Family Services. Under current law, the Department of Health Services administers the Caretaker Supplement for Children of Social Security Recipients, but all the other programs listed are administered by DCF. As a result, no informational, substantive, or policy value is associated with grouping this particular set of programs as subsets of another allocation. The amounts requested reflect caseload re-estimates for the Caretaker Supplement provided by DHS, and re-estimates of the need for Kinship Care benefits and assessments by DCF. S. 49.175 (1) (ze) 12. an amount for the TANF (Kinship Care) share

of the costs of the Milwaukee and statewide child welfare administration information system, can be deleted because its purpose and base funding is incorporated into the requested allocation amounts for State administration of public assistance programs.

5. The appropriation under s.20.437 (1) (kc) can be repealed and the definition of the appropriation under s.20.437 (1) (kd) amended to delete the sentence, "All moneys transferred from the appropriation account under sub. (2) (md) to this appropriation account shall be credited to this appropriation account," because with the Kinship Care program now administered by DCF, accounting practices can be simplified by making expenditures for this program directly from the appropriation under s.20.437 (2) (md) without "transferring" funds to reimburse expenditures first incurred or accumulated in a PR-S appropriation account.

Desired Effective Date: Upon Passage of Bill



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0241/8
PJK&GMM:.....

PI ✓
Lbjk

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ✓

D. vote

Agency budget draft

Inserts - Inserts are out of order.

(in 9-17)

SA ✓
x-ref ✓

do not
gen cat

the budget

①

AN ACT relating to: ~~certain allocations of federal moneys~~ ✓

Insert
A

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

PUBLIC ASSISTANCE ✓

Under current law, DCF allocates specific amounts of federal moneys in each fiscal year, including Child Care Development Funds (CCDF) and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs and for child care-related purposes, including its day care licensing activities. This bill increases, decreases, and combines some of those allocations. The bill also adds an allocation for public assistance program fraud and error reduction activities and removes an allocation for the Milwaukee and statewide child welfare information systems.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

Insert
1-2

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 49.155 (1g) (intro.) and (a) (intro.) of the statutes are consolidated,

3

renumbered 49.155 (1g) (intro.) and amended to read:

1 ✓ 49.155 (1g) ~~DISTRIBUTION OF FUNDS~~ CHILD CARE ALLOCATIONS. (intro.) Within the
2 limits of the availability of the federal child care and development block grant funds
3 received under 42 USC 9858, the department shall ~~do all of the following: (a) (intro.)~~
4 Subject to sub. (1j), ~~spend no more than the minimum amount required under 42~~
5 ~~USC 9858 on programs to improve the quality and availability of child care. From~~
6 ~~the appropriations under s. 20.437 (2) (cm), (kx), (mc), and (md), the department~~
7 ~~shall allocate and distribute~~ allocate funding in each fiscal year for all of the
8 following:

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1773; 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

9 ~~SECTION 2.~~ 49.155 (1g) (a) 1. of the statutes is renumbered 49.155 (1g) (ac).✓

10 ~~SECTION 3.~~ 49.155 (1g) (a) 2. of the statutes is renumbered 49.155 (1g) (bc).✓

11 ~~SECTION 4.~~ 49.155 (1g) (a) 3. of the statutes is renumbered 49.155 (1g) (c) and
12 amended to read:

13 ✓ 49.155 (1g) (c) ^{add} ~~A transfer to the appropriation account under s. 20.437 (1) (kx)~~
14 ~~for child~~ Child care licensing activities, in the amount of at least \$4,800,600 per fiscal
15 year.

History: 1995 a. 289; 1997 a. 27, s. 1766 to 1773; 1838 to 1857; 1997 a. 41, 105, 237, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 165; 2007 a. 20.

16 ~~SECTION 5.~~ 49.155 (1g) (a) 4. of the statutes is renumbered 49.155 (1g) (d).✓

17 ~~SECTION 6.~~ 49.155 (1g) (a) 5. of the statutes is renumbered 49.155 (1g) (e).✓

18 ~~SECTION 7.~~ 49.155 (1g) (a) 6. of the statutes is renumbered 49.155 (1g) (f).✓

19 ~~SECTION 8.~~ 49.155 (1g) (b) of the statutes is repealed.✓

20 ~~SECTION 9.~~ 49.175 (1) (g) of the statutes is amended to read:

21 ✓ 49.175 (1) (g) *State administration of public assistance programs* and costs of
22 overpayment collections. For state administration of public assistance programs,
23 ~~\$16,670,100 in fiscal year 2007-08 and \$16,868,500~~ and costs associated with the

1 collection of public assistance overpayments, \$18,423,900 in fiscal year 2008-09
2 2009-10 and \$18,525,700 in each fiscal year thereafter.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

3 **SECTION 10.** 49.175 (1) (h) of the statutes is created to read:

4 49.175 (1) (h) Public assistance program fraud and error reduction. For
5 activities to reduce fraud under s. 49.197 (1m) and activities to reduce payment
6 errors under s. 49.197 (3), \$605,500 in each fiscal year.

7 **SECTION 11.** 49.175 (1) (q) of the statutes is amended to read:

8 49.175 (1) (q) Child care state administration and child care licensing
9 activities. For administration of child care services under s. 49.155 (1g) (b),
10 \$1,765,600 in fiscal year 2007-08 and \$1,600,300 in programs under s. 49.155 and
11 the allocation under s. 49.155 (1g) (c) for child care licensing activities, \$6,920,200
12 in fiscal year 2009-10 and \$7,116,700 in each fiscal year 2008-09 thereafter.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

13 **SECTION 12.** 49.175 (1) (qm) of the statutes is amended to read:

14 49.175 (1) (qm) Quality care for quality kids. For the child care quality
15 improvement activities specified in s. 49.155 (1g) (a), \$5,311,000 in each fiscal year.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

16 **SECTION 13.** 49.175 (1) (qs) of the statutes is repealed.

17 **SECTION 14.** 49.175 (1) (ze) 1. of the statutes is renumbered 49.175 (1) (s) and
18 amended to read:

19 49.175 (1) (s) Kinship care and long-term kinship care assistance. For the
20 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
21 (3p), \$23,579,800 \$23,892,400 in fiscal year 2009-10 and \$23,903,500 in each fiscal
22 year thereafter.

History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

SECTION # RP; s. 49.175 (1) (ze) (title).

SECTION 15

X
1 SECTION ~~15~~. 49.175 (1) (ze) 2. of the statutes is renumbered 49.175 (1) (r) and
2 amended to read:

3 ✓ 49.175 (1) (r) *Children of recipients of supplemental security income.* For
4 payments made under s. 49.775 for the support of the dependent children of
5 recipients of supplemental security income, ~~\$30,094,700~~ in fiscal year 2007-08 and
6 ~~\$30,094,700~~ \$29,899,800 in fiscal year 2008-09 2009-10 and \$29,933,200 in each
7 fiscal year thereafter.

X
History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

8 SECTION ~~16~~. 49.175 (1) (ze) 10m. of the statutes is renumbered 49.175 (1) (t) and
9 amended to read:

10 ✓ 49.175 (1) (t) *Safety and out-of-home placement services.* For services provided
11 in counties having a population of 500,000 or more to ensure the safety of children
12 who the department determines may remain at home if appropriate services are
13 provided, and for ongoing services provided in those counties to families with
14 children placed in out-of-home care, ~~\$5,631,300~~ \$6,776,600 in each fiscal year.

X
History: 1997 a. 27, 105, 236, 237, 252, 318; 1999 a. 9; 2001 a. 16, 104, 109; 2003 a. 33, 321, 327; 2005 a. 25, 254; 2007 a. 5, 20, 226.

15 SECTION ~~17~~. 49.175 (1) (ze) 11. of the statutes is renumbered 49.175 (1) (u).

X
16 SECTION ~~18~~. 49.175 (1) (ze) 12. of the statutes is repealed. ✓

17 (END) ✓

D - note

Insert 1-2

fix
component X
Section #. 20.437 (1) (kc) of the statutes is ~~amended to read:~~ ^{repealed}

20.437 (1) (kc) *Interagency and intra-agency aids; kinship care and long-term kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) and (3n). All moneys transferred from the appropriation account under sub. (2) (md) to this appropriation account shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under sub. (2) (kx).

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

↓ Insert 1-2
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repealed

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Section #. 20.437 (1) (kd) of the statutes is amended to read:

20.437 (1) (kd) *Kinship care and long-term kinship care assessments.* The amounts in the schedule for assessments of kinship care relatives, as defined in s. 48.57 (3m) (a) 2., and long-term kinship care relatives, as defined in s. 48.57 (3n) (a) 2., who provide care and maintenance for children to determine if those kinship care relatives and long-term kinship care relatives are eligible to receive payments under s. 48.57 (3m) or (3n). ~~All moneys transferred from the appropriation account under sub. (2) (md) to this appropriation account shall be credited to this appropriation account.~~ Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year is transferred to the appropriation account under sub. (2) (kx).

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

Insert 1-2
continued

Insert 1-2

Section #. 20.437 (2) (md) of the statutes is amended to read:

✓20.437 (2) (md) *Federal block grant aids.* The amounts in the schedule, less the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and to be transferred to the appropriation accounts under sub. (1) ~~(ke), (kd), and (kx)~~ ✓ and ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835 (2) (kf). All block grant moneys received for these purposes from the federal government or any of its agencies and all moneys recovered under s. 49.143 (3) shall be credited to this appropriation account. The department may credit to this appropriation account the amount of any returned check, or payment in other form, that is subject to expenditure in the same contract period in which the original payment attempt was made, regardless of the fiscal year in which the original payment attempt was made.

History: 2007 a. 20 ss. 331, 335, 340, 341, 342, 344 to 352, 354 to 368g, 374 to 376, 380, 381, 401, 404, 405, 423 to 437, 447, 448, 450, 451, 453, 453p, 454, 456 to 458, 460e, 463, 465 to 472, 474 to 480, 9121 (6) (a).

Insert 1-2
continued

Insert 1-2

X ✓ ✓
Section #. 48.57 (3m) (am) (intro.) of the statutes is amended to read:

(2) (md)

> ✓ 48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (kc)~~, the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make payments in the amount of \$215 per month to a kinship care relative who is providing care and maintenance for a child if all of the following conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20.

Insert 1-2
continued

Insert 1-2

Section #. 48.57 (3n) (am) (intro.) of the statutes is amended to read:

(2) (md)

> ✓ 48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke)~~, the department shall reimburse counties having populations of less than 500,000 for payments made under this subsection and shall make payments under this subsection in a county having a population of 500,000 or more. A county department and, in a county having a population of 500,000 or more, the department shall make monthly payments for each child in the amount specified in sub. (3m) (am) (intro.) to a long-term kinship care relative who is providing care and maintenance for that child if all of the following conditions are met:

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20.

(end of insert) 1-2

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Insert A

centered
subheading: (B)
CS

CHILDREN

Under current law, kinship care payments and
assessments ^{eligibility} to determine ^{kinship care} eligibility for kinship care
payments ^{are} funded from ^{program} ^{revenue} ^{service} ^{hyphen} ^{check}
that consist of moneys transferred from
a federal block grant aids appropriation of DCF ^{check}

This bill eliminates those program revenue ^{hyphen} ^{check}
appropriations ^{check} resulting in kinship care payments and
assessments being funded directly from that federal
block grant aids appropriation ^{check}

end of insert A
(end of X)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

9PI
LRB-0241/dn
PJK:.....
Lbjk

Date

Since under this draft (with the repeal of s. 49.155 (1g) (b) and the other allocations being "at least" a certain amount) s. 49.155 (1g) no longer has any allocation limits to exceed, do you want to repeal s. 49.155 (1j)?

> For the new allocation for fraud and error reduction in s. 49.175 (1) (h), I used "public assistance programs" instead of limiting the allocation to Wisconsin Works and Wisconsin Shares because s. 49.197 deals with more programs than those two. Is this ok?

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

q You requested that the sentence in s. 20.437 (1)(kd) referring to all moneys transferred from the appropriation account under sub. (2)(md) to this appropriation account be deleted, but if you delete that sentence there is no funding source for s. 20.437 (1)(kd). Accordingly, this draft repeals s. 20.437 (1)(kd), which would result in kinship care assessments being funded directly from s. 20.437 (2)(md). If you want to retain s. 20.437 (1)(kd), you will have to come up with a funding source for that appropriation.

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0241/P1dn
PJK&GMM:bjk:rs

September 19, 2008

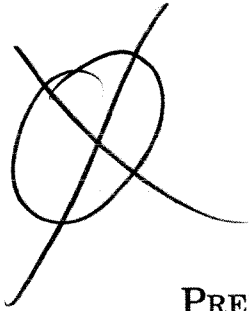
Since under this draft (with the repeal of s. 49.155 (1g) (b) and the other allocations being "at least" a certain amount) s. 49.155 (1g) no longer has any allocation limits to exceed, do you want to repeal s. 49.155 (1j)?

For the new allocation for fraud and error reduction in s. 49.175 (1) (h), I used "public assistance program" instead of limiting the allocation to Wisconsin Works and Wisconsin Shares because s. 49.197 deals with more programs than those two. Is this ok?

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You requested that the sentence in s. 20.437 (1) (kd) referring to "all moneys transferred from the appropriation account under sub. (2) (md) to this appropriation account" be deleted, but if you delete that sentence there is no funding source for s. 20.437 (1) (kd). Accordingly, this draft repeals s. 20.437 (1) (kd), which would result in kinship care assessments being funded directly from s. 20.437 (2) (md). If you want to retain s. 20.437 (1) (kd), you will have to come up with a funding source for that appropriation.

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2009 - 2010 LEGISLATURE

LRB-0241/P1
PJK&GMM:bjk:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, kinship care payments and assessments to determine eligibility for kinship care payments are funded from certain program revenue-service appropriations to DCF that consist of moneys transferred from a federal block grant aids appropriation of DCF. This bill eliminates those program revenues-service appropriations, resulting in kinship care payments and assessments being funded directly from that federal block grant aids appropriation.

PUBLIC ASSISTANCE

Under current law, DCF allocates specific amounts of federal moneys in each fiscal year, including Child Care Development Funds (CCDF) and moneys received under the Temporary Assistance for Needy Families (TANF) block grant program, for various public assistance programs and for child care-related purposes, including its day care licensing activities. This bill increases, decreases, and combines some of those allocations. The bill also adds an allocation for public assistance program fraud and error reduction activities and removes an allocation for the Milwaukee and statewide child welfare information systems.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.437 (1) (kc) of the statutes is repealed.

2 **SECTION 2.** 20.437 (1) (kd) of the statutes is repealed.

3 **SECTION 3.** 20.437 (2) (md) of the statutes is amended to read:

4 20.437 (2) (md) *Federal block grant aids.* The amounts in the schedule, less
5 the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and
6 to be transferred to the appropriation accounts under sub. (1) ~~(ke)~~, ~~(kd)~~, and (kx) and
7 ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835 (2) (kf). All block grant
8 moneys received for these purposes from the federal government or any of its
9 agencies and all moneys recovered under s. 49.143 (3) shall be credited to this
10 appropriation account. The department may credit to this appropriation account the
11 amount of any returned check, or payment in other form, that is subject to
12 expenditure in the same contract period in which the original payment attempt was
13 made, regardless of the fiscal year in which the original payment attempt was made.

14 **SECTION 4.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

15 48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 ~~(1) (ke)~~ (2)
16 (md), the department shall reimburse counties having populations of less than
17 500,000 for payments made under this subsection and shall make payments under
18 this subsection in a county having a population of 500,000 or more. A county
19 department and, in a county having a population of 500,000 or more, the department
20 shall make payments in the amount of \$215 per month to a kinship care relative who
21 is providing care and maintenance for a child if all of the following conditions are met:

1 **SECTION 5.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

2 48.57 **(3n)** (am) (intro.) From the appropriation under s. 20.437 ~~(1)(ke)~~ **(2)(md)**,
3 the department shall reimburse counties having populations of less than 500,000 for
4 payments made under this subsection and shall make payments under this
5 subsection in a county having a population of 500,000 or more. A county department
6 and, in a county having a population of 500,000 or more, the department shall make
7 monthly payments for each child in the amount specified in sub. (3m) (am) (intro.)
8 to a long-term kinship care relative who is providing care and maintenance for that
9 child if all of the following conditions are met:

10 **SECTION 6.** 49.155 (1g) (intro.) and (a) (intro.) of the statutes are consolidated,
11 renumbered 49.155 (1g) (intro.) and amended to read:

12 49.155 **(1g)** ~~DISTRIBUTION OF FUNDS~~ CHILD CARE ALLOCATIONS. (intro.) Within the
13 limits of the availability of the federal child care and development block grant funds
14 received under 42 USC 9858, the department shall ~~do all of the following:~~ (a) (intro.)
15 Subject to sub. (1j), ~~spend no more than the minimum amount required under 42~~
16 ~~USC 9858 on programs to improve the quality and availability of child care. From~~
17 ~~the appropriations under s. 20.437 (2) (cm), (kx), (mc), and (md), the department~~
18 ~~shall allocate and distribute~~ allocate funding in each fiscal year for all of the
19 following:

20 **SECTION 7.** 49.155 (1g) (a) 1. of the statutes is renumbered 49.155 (1g) (ac).

21 **SECTION 8.** 49.155 (1g) (a) 2. of the statutes is renumbered 49.155 (1g) (bc).

22 **SECTION 9.** 49.155 (1g) (a) 3. of the statutes is renumbered 49.155 (1g) (c) and
23 amended to read:

1 49.155 (1g) (c) ~~A transfer to the appropriation account under s. 20.437 (1) (kx)~~
2 for child Child care licensing activities, in the amount of at least \$4,800,600 per fiscal
3 year.

4 **SECTION 10.** 49.155 (1g) (a) 4. of the statutes is renumbered 49.155 (1g) (d).

5 **SECTION 11.** 49.155 (1g) (a) 5. of the statutes is renumbered 49.155 (1g) (e).

6 **SECTION 12.** 49.155 (1g) (a) 6. of the statutes is renumbered 49.155 (1g) (f).

7 **SECTION 13.** 49.155 (1g) (b) of the statutes is repealed.

8 **SECTION 14.** 49.175 (1) (g) of the statutes is amended to read:

9 49.175 (1) (g) *State administration of public assistance programs and costs of*
10 *overpayment collections.* For state administration of public assistance programs,
11 *\$16,670,100 in fiscal year 2007-08 and \$16,868,500 and costs associated with the*
12 *collection of public assistance overpayments, \$18,423,900 in fiscal year 2008-09*
13 *2009-10 and \$18,525,700 in each fiscal year thereafter.*

14 **SECTION 15.** 49.175 (1) (h) of the statutes is created to read:

15 49.175 (1) (h) *Public assistance program fraud and error reduction.* For
16 activities to reduce fraud under s. 49.197 (1m) and activities to reduce payment
17 errors under s. 49.197 (3), \$605,500 in each fiscal year.

18 **SECTION 16.** 49.175 (1) (q) of the statutes is amended to read:

19 49.175 (1) (q) *Child care state administration and child care licensing*
20 *activities.* For administration of child care services under s. 49.155 (1g) (b),
21 *\$1,765,600 in fiscal year 2007-08 and \$1,600,300 in programs under s. 49.155 and*
22 *the allocation under s. 49.155 (1g) (c) for child care licensing activities, \$6,920,200*
23 *in fiscal year 2009-10 and \$7,116,700 in each fiscal year 2008-09 thereafter.*

24 **SECTION 17.** 49.175 (1) (qm) of the statutes is amended to read:

1 49.175 (1) (qm) *Quality care for quality kids.* For the child care quality
2 improvement activities specified in s. 49.155 (1g) (a), \$5,311,000 in each fiscal year.

3 **SECTION 18.** 49.175 (1) (qs) of the statutes is repealed.

4 **SECTION 19.** 49.175 (1) (ze) (title) of the statutes is repealed.

5 **SECTION 20.** 49.175 (1) (ze) 1. of the statutes is renumbered 49.175 (1) (s) and
6 amended to read:

7 49.175 (1) (s) *Kinship care and long-term kinship care assistance.* For the
8 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
9 (3p), ~~\$23,579,800~~ \$23,892,400 in fiscal year 2009–10 and \$23,903,500 in each fiscal
10 year thereafter.

11 **SECTION 21.** 49.175 (1) (ze) 2. of the statutes is renumbered 49.175 (1) (r) and
12 amended to read:

13 49.175 (1) (r) *Children of recipients of supplemental security income.* For
14 payments made under s. 49.775 for the support of the dependent children of
15 recipients of supplemental security income, ~~\$30,094,700 in fiscal year 2007–08 and~~
16 ~~\$30,094,700~~ \$29,899,800 in fiscal year 2008–09 2009–10 and \$29,933,200 in each
17 fiscal year thereafter.

18 **SECTION 22.** 49.175 (1) (ze) 10m. of the statutes is renumbered 49.175 (1) (t) and
19 amended to read:

20 49.175 (1) (t) *Safety and out-of-home placement services.* For services provided
21 in counties having a population of 500,000 or more to ensure the safety of children
22 who the department determines may remain at home if appropriate services are
23 provided, and for ongoing services provided in those counties to families with
24 children placed in out-of-home care, ~~\$5,631,300~~ \$6,776,600 in each fiscal year.

25 **SECTION 23.** 49.175 (1) (ze) 11. of the statutes is renumbered 49.175 (1) (u).

SECTION 24. 49.175 (1) (ze) 12. of the statutes is repealed.

2 (END)